

SENATE CHAMBER, . }
AUSTIN, TEXAS, Saturday, May 13, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senators Flanagan, Parsons, Pridgen and Pyle.

Absent—excused—Senator Evans.

Prayer by the Chaplain.

On motion of Senator Saylor, the reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, May 9, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred the petition of John P. Terrel for relief, have carefully considered the same, and instruct me to report it back with the accompanying bill and recommend that it pass.

S. W. FORD,
Chairman.

Report read.

On motion of Senator Bell, the rules were suspended to consider the report and bill, (Senate bill No. 420,) "An act to be entitled an act for the relief of J. P. Terrel and making an appropriation therefor." Bill read first time, rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Bell, the rules were further suspended and Senate bill No. 420 read third time and passed by the following vote:

Yeas—Mr. President, Bell, Broughton, Cole, Dohoney, Douglass, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Pettit, Picket, Pridgen, Rawson, Ruby, Saylor, Shanna, Tensdick—21

BILLS AND RESOLUTIONS.

By Senator Fountain: a bill (Senate bill No. 421) to be entitled

"An act to incorporate the Western Texas Artesian Well Company," read first time and referred to the Committee on Internal Improvements.

By Senator Hillebrand, a bill (Senate bill No. 422) to be entitled "An act to prohibit the sale or distribution of spirituous, vinous, malt and other intoxicating liquors within certain limits." Read first time and referred to the Committee on Education.

By leave, Senator Dohoney submitted the following report of Committee on Judiciary:

COMMITTEE ROOM,
AUSTIN, May 13, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 364, have had the same under careful consideration and instruct me to report the same back with the accompanying substitute, and recommend the passage of said substitute.

E. L. DOHONEY,
For Committee.

Report and substitute (substitute Senate bill No. 364) "An act to establish a manual labor poor house and convict labor system in each county in the State." Read first time.

On motion of Senator Dohoney, the rules were suspended and Senate bill No. 364 and substitute made special order for Tuesday next at 11 o'clock A. M., and one hundred copies of bill and substitute ordered printed.

Senator Pridgen submitted the following report of Committee on Enrolled bills.

COMMITTEE ROOM,
AUSTIN, May 12, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on Enrolled Bills have carefully examined and find correctly enrolled the following Senate bills, to-wit: No. 321, entitled "An act to authorize the County Court of Dallas county to levy and collect a special tax for the building of a court house;" No. 9, entitled "An act authorizing the county courts to sell the school lands situated in their respective counties;" No. 199, entitled "An act to organize the county of Presidio;" No. 299, entitled "An act to incorporate the Navasota and Washington County Ferry Company," and to-day at 12:30 P. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Report read and received.

BILLS ON THIRD READING.

Senate bill No. 365, "An act supplemental to and amendatory of 'an act regulating public printing,' approved August 13, 1870." Read third time, passed by the following vote, and sent to the House for concurrence :

Yeas---Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick---16.

Nays---Bowers, Cole, Dohoney, Douglass, Latimer, Pickett, Shannon---7.

Senator Ruby submitted the following report of Committee on Engrossed Bills :

COMMITTEE ROOM,
AUSTIN, May 13, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills having examined and compared Senate bills Nos. 339, "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature;" No. 353, "An act to organize the county of Frio;" No. 374, "An act to amend the Penal Code for the State of Texas;" No. 377, "An act to incorporate the Banking, Insurance and Mutual Aid Association of Texas;" and No. 292, "An act to incorporate the Southwestern Express and Transportation Company," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received.

Under direction of the President, the Secretary carried to the House, for concurrence, Senate bills Nos. 339, 358, 374 and 292.

On motion of Senator Gaines, the rules were suspended to consider the following report of the Committee on Contingent Expenses :

COMMITTEE ROOM,
AUSTIN, May 10, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Contingent Expenses, to whom was referred an account of W. B. Johnson, Sergeant-at-Arms of the Senate, for serving subpoenas on various witnesses, and mileage for same in the case of the State of Texas vs. Wm. H. Rursell, ask leave to report that the account contemplates constructive mileage, which,

in the opinion of your committee, should not be allowed; but that as the account belongs to a class that has never before been referred to them, your committee ask leave to report the same back for the consideration of the Senate, and that they be discharged from further consideration thereof.

J. S. MILLS,
Chairman.

Report read.

Senator Pridgen moved that the report be referred to a select committee. Carried.

The President appointed as such committee Senators Pridgen, Bell and Ford.

Senator Parsons moved that the Sergeant-at-Arms be instructed to have a door cut through the wall of the Senate Chamber into the room, in the rear of the same, lately occupied by Judge Walker.

Senator Pickett moved to amend by adding, "said work to be done after the adjournment of the Legislature."

Senator Gaines moved to refer the matter under consideration to a select committee. Lost.

The question being on the amendment of Senator Pickett, Senator Parsons moved to amend the amendment by saying "said work to be performed to-day, immediately after the adjournment of the Senate."

Senator Pickett moved to refer the matter pending, with amendments, to the Committee on Public Buildings.

Yeas and nays called for and motion carried by the following vote:

Yeas—Bell, Bowers, Cole, Dohoney, Ford, Gaines, Latimer, Mills, Pickett, Pridgen, Rawson, Tendick—12.

Nays—Mr. President, Baker, Broughton, Douglass, Fountain, Hall, Hillebrand, Parsons, Pettit, Ruby, Saylor—11.

MESSAGES.

Messages from the House by the Chief Clerk, Mr. Ketchum, transmitting for concurrence the following House bills: House bill No. 507, "An act to incorporate the Llano Mining Company."

House bill No. 667, "An act amendatory of and supplemental to an act to give effect to the several provisions of the Constitution concerning taxes," approved April 22, 1871.

Also, returning to the Senate the following Senate bills, informing the Senate that the House had passed the same with amendments.

Senate bill No. 304, "An act authorizing T. M. Harwood and C.

C. DeWitt, of Gonzales county, to construct a bridge across the Guadalupe river, near the town of Gonzales, in Gonzales county."

Senate bill No. 384, "An act authorizing the Commissioner of the General Land Office to appoint four additional draftsmen for his department, and fixing the salaries and making an appropriation therefor."

Also, for signature, the following enrolled House bills:

House bill No. 332, "An act to incorporate the town of Henderson, in the county of Rusk."

House bill No. 152, "An act to incorporate the Howard Institute of Waco, Texas."

House bill No. 55, "An act to amend an act entitled 'an act to adopt and establish a Penal Code for the State of Texas, approved August 26, A. D. 1856,' and to repeal an act entitled 'an act to amend articles 412 and 418 of an act to adopt and establish a Penal Code for the State of Texas,' approved December 16, A. D. 1863."

House bill No. 188, "An act to incorporate the officers and members of Humboldt Lodge No. 94, I. O. O. F., of Victoria."

Enrolled bills signed by the President in open session and returned to the House.

Under direction of the President, the Secretary returned to the House the following House bills, with the action of the Senate:

House bill No. 4, "An act to encourage stock raising, and for the protection of stock raisers," passed May 11, with amendments.

House bill No. 438, "An act to repeal a portion of 'an act to change the names of the counties of Cass and Buchanan, approved December 17, 1861,' and to designate the name of the so-called county of Davis," passed May 12, with amendment.

Also, transmitting for concurrence Senate bill No. 416, "An act to amend the fifth section of an act passed the first day of October, A. D. 1866, entitled 'an act to incorporate the Rio Grande Railroad Company.'"

Also, for signature, the following enrolled bills:

Senate bill No. 47, "An act to incorporate the Lamar Female Seminary."

Senate bill No. 49, "An act transferring the settlement of the estate of James H. Levertton, deceased, from the District Court of Anderson county to the District Court of Houston county."

Senate bill No. 75, "An act to incorporate the Austin Gas Company."

Senate bill No. 99, "An act to incorporate the Bank of Cleburne."

Senate bill No. 187, "An act to incorporate the Navarro Jockey Club."

Senate bill No. 190, "An act to incorporate the town of Longview, Upshur county."

Senate bill No. 265, "An act to incorporate the Paris Real Estate and Banking Association."

Senate bill No. 233, "An act to incorporate the Stock Traders' Bank."

Senate bill No. 328, "An act to incorporate the International Insurance Company."

Enrolled bills signed by the Speaker, returned to the Senate and signed by the President.

On motion of Senator Baker, the rules were suspended to take up Senate bill No. 304, "An act authorizing T. M. Harwood and C. C. DeWitt, of Gonzales county, to construct a bridge across the Guadalupe river, near the town of Gonzales, in Gonzales county."

On motion of Senator Baker, the House amendments were concurred in.

By leave, Senator Fountain submitted the following report of the Committee on Judiciary.

COMMITTEE ROOM,
AUSTIN, May 13, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 519, entitled "An act authorizing the County Court of Kerr county, to levy a special tax," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Report read, and on motion of Senator Fountain, the rules were suspended and bill read second time and passed to a third reading.

On motion of Senator Fountain, the rules were further suspended and House bill No. 519 read third time and passed.

By leave, Senator Mills submitted the following report of Committee on Public Buildings:

COMMITTEE ROOM,
AUSTIN, May 13, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: The Committee on Public Buildings, to whom was referred the question of having a door opened through the north wall of the Senate Chamber, having duly and very carefully considered the same, recommend that said opening be made at once.

J. S. MILLS,
M. H. BOWERS,
A. J. FOUNTAIN.

Report read.

On motion of Senator Fountain, the rules were suspended to consider the report and resolution.

On motion of Senator Mills, the resolution was adopted.

On motion of Senator Douglass, the rules were suspended to take from file Senate bill No. 212, "An act to incorporate G. M. Johnson Lodge No. 49, at Starville, Texas." Read second time.

Senator Douglass offered the following amendment: Amend caption by adding after figures "94" "Independent Order of Odd Fellows." Adopted.

Bill ordered engrossed and passed to a third reading as amended.

On motion of Senator Douglass, the rules were further suspended and Senate bill No. 212 read third time and passed.

On motion of Senator Ford, the rules were suspended to take from file Senate bill No. 245, "An act to incorporate the Port of Galveston and Bolivar Port Wharf and Cotton Press Company." Read second time.

Senator Ruby moved that the following amendment, reported by the Committee on State Affairs, be rejected: Strike out "section four."

Motion carried and amendment rejected.

Senator Mills offered the following amendment: Add the name of "J. Carroll Smith." Adopted.

Bill ordered engrossed and passed to a third reading.

On motion of Senator Ruby, the rules were further suspended, and Senate bill No. 245 read third time and passed.

On motion of Senator Mills, the rules were suspended to take from file Senate bill No. 92, "An act authorizing the Commissioner of the General Land Office to purchase one hundred copies of book of valid land certificates for use of surveyors to prevent the location of fraudulent land certificates."

Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Mills, the following amendments reported by the Committee on Public Lands were adopted:

Amend line five, section one, by inserting after the word "hundred" the words "and thirty," and strike out, in line eight, section one, the word "surveyors" and insert in lieu thereof the word "court."

On motion of Senator Saylor, the rules were further suspended, and Senate bill No. 92 read third time and passed.

On motion of Senator Fountain, the rules were suspended to take from file House bill No. 299, "An act to repeal an act entitled 'an act regulating contracts for labor,' approved November 1, 1866." Read second time and passed to a third reading.

On motion of Senator Hertzberg, the rules were further suspended and House bill No. 299 read third time and passed.

On motion of Senator Fountain, the rules were suspended to take from file House bill No. 300, "An act repealing an act entitled 'an act establishing a general apprentice law, and defining the obligations of master or mistress and apprentice,' approved October 27, 1866." Read second time and passed to a third reading.

On motion of Senator Fountain, the rules were further suspended and House bill No. 300 read third time and passed.

On motion of Senator Saylor, the rules were suspended to take from file Senate bill No. 361, "An act to incorporate the Bryan Horticultural Society." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Saylor, the rules were further suspended and Senate bill No. 361 read third time and passed.

Senator Dohoney moved to suspend the rules to take from file Senate bill No. 417, "An act amendatory of the seventh section of an act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box," approved August 15, 1871."

Yeas and nays called for and motion to suspend the rules lost by the following vote:

Yeas—Baker, Bowers, Broughton, Dohoney, Douglass, Hall, Hertzberg, Hillebrand, Latimer, Pickett, Pyle, Shannon—12.

Nays—Mr. President, Ford, Fountain, Gaines, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—12.

On motion of Senator Fountain, the rules were suspended to take from file House bill No. 419, "An act requiring foreigners who have resided in the State of Texas three years, to at once declare their intention to become citizens of the United States, or, on failure so to do, to be deprived from benefits of an act defining the homestead and other property exempt from forced sale in this State, approved August 15, 1870." Read second time.

Senator Pickett moved that the bill be indefinitely postponed.

Yeas and nays called for and bill indefinitely postponed by the following vote:

Yeas—Baker, Bowers, Cole, Dohoney, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Ruby, Saylor, Shannon—14.

Nays—Mr. President, Bell, Broughton, Douglass, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Rawson, Tendick—12.

Senator Mills moved that the Senate do now proceed to the consideration of unfinished business upon the President's table. Carried.

House bill No. 599, "An act to authorize the Governor to pre-

pare and issue bonds to an amount sufficient to meet any deficiency in receipts of revenue for the years 1871 and 1872, and also providing for the payment of said bonds and interest thereon." Read third time.

Senator Bowers moved a call of the Senate. Call sustained.

Absent—Senator Flanagan.

Absent—excused—Senator Evans.

On motion of Senator Saylor, Senator Flanagan was excused.

On motion of Senator Mills, the call was suspended.

Senator Mills moved that House bill No. 599 do now pass.

Senator Bowers made the point of order that House bill No. 599 was not properly before the Senate for the reason that bills on third reading should be taken up in order of date, and that other bills had precedence of House bill No. 599.

The President ruled the point of order well taken.

Senator Pettit appealed from the decision of the Chair.

The question being: "Shall the decision of the Chair be sustained?" the Chair was sustained by the following vote:

Yeas—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglass, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—21.

Nays—Pettit—1.

Senator Saylor moved that the rules be suspended to take from file House bill No. 599, "An act to authorize the Governor to prepare and issue bonds to an amount sufficient to meet any deficiency in receipts of revenue for the years 1871 and 1872, and also providing for the payment of said bonds and interest thereon."

Yeas and nays called for, and motion to suspend the rules lost by the following vote, two-thirds not voting in the affirmative:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—17.

Nays—Bowers, Broughton, Cole, Dohoney, Douglass, Latimer, Pickett, Pyle, Shannon—9.

On motion of Senator Baker, the Senate, at 11:30 A. M., adjourned to 10 A. M. Monday.
